

Application Number

P/2014/0224

Site AddressBanjo Area
Princess Gardens
Torquay**Case Officer**

Mr Robert Pierce

Ward

Tormohun

Description

Erection of a temporary wooden construction for catering and deckchair storage

Executive Summary/Key Outcomes

This application is for retrospective consent to erect a triple wooden beach hut styled structure to house a catering kiosk and a deckchair store. The application is retrospective because the beach huts have now been sited on the paved banjo area within the Princess Gardens. The applicant has a tenancy agreement with the TDA for this year only until the end of September.

It is intended for the structure to be in place between 1st April and 30th September 2014.

The proposal would lead to the loss of a small area of public open space, however, it will improve promenade amenities to the benefit of the public/holiday makers and as the beach huts will only be on the site for a 6 month period then there will be no permanent harm to the Historic Garden.

The application is deemed to be acceptable for planning approval for this year only.

Recommendation

Conditional Approval; subject to a temporary consent between 1st April and 30th September 2014; conditions as drafted in this report.

Site Details

The beach hut structure is sited on the paved area within the Banjo. This is a sensitive location; it is prominent within the Torquay Harbour Conservation Area, is near to a Grade II Listed building and set within Princess Gardens which is a Grade II entry on the Register of Historic Parks and Gardens. The Fountain and War Memorial, which are located close by are also Grade II listed.

Detailed Proposals

This retrospective application is for the temporary erection of a triple beach hut styled structure between 1st April and 30th September 2014. The beach huts have now been erected on site and they have a traditional "seaside" appearance, painted white and blue.

A serving hatch has been formed to the frontage of two of the beach huts, for the sale of various non-alcoholic drinks (hot and cold) and foodstuffs, such as popcorn and doughnuts with the main item being candyfloss. The third hut is being used to store the deckchairs which the applicant is hiring out on behalf of the Council around the Princess Garden Area.

Summary Of Consultation Responses

English Heritage: No objections.

Environmental Health Officer: No objections.

Senior Historic Environment Officer: No objections for temporary siting this year.

Summary Of Representations

One letter of objection has been received from a Torbay resident - the main issues raised are:

- Supply of litter bins in Princess Gardens,
- Impact of seagulls eating commercial waste,
- Possible noise from generator if used, and damage to the promenade paving.

These representations have been copied and sent electronically for Members consideration.

Relevant Planning History

No immediate relevant history.

Key Issues/Material Considerations

Due to the sensitive location of this proposal, the effect on the listed buildings, the Registered Gardens and the wider Conservation Area is a key issue.

A permanent occupation of the site by the beach huts would be, in the long term, harmful to the architectural and historical character of the site.

A permission for the beach huts to be sited for a 6 month period this year would enhance the attractiveness of the wider area for tourists and residents alike and the impacts on the heritage features of the site would only be in the short term

and reversible. Once removed the site can be quickly and satisfactorily reinstated to its former condition. In order that the situation can be constantly reviewed and to avoid the beach huts becoming permanent additions to the Historic Gardens the proposal should be reconsidered on an annual basis (as is the case with the Wheel).

(S106)

N/A

Conclusions

The siting of the beach huts should only be for a 6 month period between 1st April 2014 and 30th September 2014 after which time the huts should be removed and the site should be properly reinstated.

Condition(s)/Reason(s)

01. The buildings hereby permitted shall be removed and the land shall be reinstated and restored to its former condition by 30th September 2014.

Reason: The use of the site by the beach huts is only acceptable on a short term basis and a more lengthy occupation would be harmful to the setting of the listed buildings, to the character of the Registered Gardens and the wider Torquay Harbour Conservation Area contrary to Saved Policies BES, BE5, BE6 and BE8 of the Adopted Torbay Local Plan 1995-2011.

02. The use hereby approved shall take place only between the hours of 8 a.m. and 7 p.m. unless with the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the area and to meet the requirements of Saved Policy EPS of the Adopted Torbay Local Plan 1995-2011.

03. Customer waste bins shall be provided on the site, with at least one in close proximity to the service area and one in close proximity to the deck chair seating area, and they shall be retained permanently during the hours of trading.

Reason: To protect the amenity of the surrounding area and in accordance with the requirements of Saved Policy S8 of the Adopted Torbay Local Plan 1995-2011.

04. The Beach Huts hereby approved shall not sell hot food unless with the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the area and in accordance with Saved Policy EPS of the Adopted Torbay Local Plan 1995-2011.

Relevant Policies

- BES Built environment strategy
- BE1 Design of new development
- BE6 Development affecting listed buildings
- BE8 Historic parks and gardens
- BE5 Policy in conservation areas
- EPS Environmental protection strategy